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MINISTRY OF COMMERCE & INDUSTRY

NOTIFICATION

(TRADE AND MERCHANDISE MARKS)

New Delhi, the 29th September, 1961

S.O. 2377.—In exercise of the powers conferred by sub-sections (1) and (3) of section 117 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government, being convinced that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Commerce and Industry, Trade and Merchandise Marks, No. S.O. 3093, dated the 23rd December, 1960, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the said notification,—

(1) wherever the words “made or produced”, or “manufactured”, or “produced” occur, the words “made or manufactured or produced” shall be substituted;

(2) in paragraph 1,

(i) in sub-paragraph (1),

(a) for the words “on importation and at the time of sale”, the words “on importation into and at the time of sale in India” shall be substituted;

(b) in clause (a), for the words “an indication of the country”, the words “where such goods are made or manufactured or produced beyond the limits of India, an indication of the country” shall be substituted;

(ii) in sub-paragraph (2), for the words “in one country”, the words “in one foreign country” shall be substituted;

(iii) in sub-paragraph (3),

(a) the words ‘or wholly’ shall be omitted;

(b) for the words “in one country”, the words “in one foreign country” shall be substituted;

(c) for the word ‘may’, the word ‘shall’ shall be substituted;

(3) in paragraph 2,

- (i) in the heading, after the words "processed in India", the words "or assembled in India with wholly or partly foreign parts" shall be inserted;
- (ii) in sub-paragraph (1), after the word 'sale', the words "in India" shall be inserted;
- (iii) after sub-paragraph (1), the following sub-paragraph and Explanation shall be inserted, namely:—

"(1A) Where such goods are made or manufactured or produced in India solely from foreign ingredients or partly from foreign ingredients and partly from indigenous ingredients, the indication of the country of origin to be applied to the goods shall be "Made in India".

Explanation.—The expression "made or manufactured or produced in India" shall not include mere packing, embellishing, mixing, bottling, labelling or otherwise processing of the imported goods which involves no substantial change in the character or nature of the product.";

(iv) in sub-paragraph 2,

- (a) for the words "packed or" occurring for the first time, the words "packed, embellished, mixed, bottled, labelled or" shall be inserted;
- (b) after the words "both the country or place of origin of the goods", the words "or in the alternative the words 'made abroad' " shall be inserted;
- (c) after the words "as the case may be", the words "or other suitable words properly describing the treatment or change effected in India on the imported goods" shall be inserted;
- (v) in sub-paragraph 3,
- (a) for the words "may" occurring at both places, the word "shall" shall be substituted;
- (b) for the words "Made from foreign ingredients and processed in India", the words "Processed in India" shall be substituted;
- (vi) in sub-paragraph (4), for the opening words "Where such goods are assembled in India with foreign and indigenous parts", the words "Where such goods are assembled in India with wholly foreign parts, or partly with foreign parts and partly with indigenous parts" shall be substituted;

(4) in paragraph 3, in sub-paragraph (2), after the words "one of the languages" the words "and in the same characters" shall be inserted;

(5) in paragraph 5,

- (i) for clause (c), the following clause shall be substituted, namely:—
 "(c) articles made and imported from abroad and intended by the foreign manufacturer for free distribution for advertising purposes";
- (ii) for clause (f), the following clause shall be substituted, namely:—
 "(f) goods of all kinds manufactured in India solely for export";

(6) in the Schedule,

- (i) in item 3 of Part I, after the words "Chemicals", the words "including dyes and dyestuffs" shall be inserted;
- (ii) in item 9 of Part I, the words "Zinc or Copper" shall be omitted;
- (iii) after item 15 of Part I, the following item shall be inserted, namely:—
 "15A. Safety fuses On the goods themselves or on the packages.";
- (iv) in item 24 of Part I, for the entry in column 2, the following shall be substituted, namely:—
 "All other imported goods which bear or purport to bear.—
 (a) any name, or word or trade description; or

- (b) any device, such as representations of Indian deities or emblems, which is likely to cause it to be believed that the goods are made or manufactured or produced in India";
- (v) in the heading of Part II, for the words "processed in India" the words "processed or assembled in India" shall be substituted;
- (vi) in item 9 of Part II, after the word "Chemicals", the words "including dyes and dyestuffs" shall be inserted;
- (vii) after item 36 of Part II, the following item shall be inserted, namely:—

"36A. Safety fuses On the goods themselves or on the packages."

[No. 3(1)-TMP/61.]

K. V. VENKATACHALAM, Joint Secy.

